

**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

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In The Matter of Charges and)
)
Complaint Against)
)
LUIS ORTEGA, M.D.,)
)
Respondent.)

Case No. 10-10185-1

FILED

APR 06 2010

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Chairman, Renee West, Member, and Theodore B. Berndt, M.D., Member, by and through Bradley O. Van Ry, Deputy General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Luis Ortega, M.D., hereinafter referred to as Dr. Ortega, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Ortega is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, on December 4, 1993 (License No. 6969), pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed.

2. Patient A was a twenty-three year old (23) male at the time of the incidents in question. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient Designation served on Dr. Ortega along with a copy of this Complaint.

3. Patient A was brought by his family to the Southern Nevada Adult Mental Health Services facility on September 3, 2004. He was placed on a Legal 2000 involuntary hold. Patient A had a long history of paranoia and schizophrenia. At time of the hold placement, Patient A self-

1 reported carrying kitchen knives around his apartment, not showering or eating for one week and
2 feeling “spooked”.

3 4. Patient A was transferred to the Valley Hospital Emergency Room (“ER”) to obtain
4 medical clearance for the Legal 2000 hold and was seen by the ER physician. Shortly thereafter,
5 Patient A was seen by Dr. Ortega who evaluated Patient A and prescribed Zyprexa and Restoril that
6 seemed to calm Patient A.

7 5. Patient A remained in the ER under the Legal 2000 hold for a couple of days. This
8 was due to the hospital not having a dedicated psychiatric unit. He was carefully monitored and
9 noted to be quiet and cooperative during his stay.

10 6. On September 5, 2004, Patient A began to exhibit behaviors triggered by auditory and
11 visual hallucinations and paranoia as noted in the nurses’ notes. Despite this, Dr. Ortega evaluated
12 Patient A and found his delusions and psychosis controlled by the prescribed medications. Dr.
13 Ortega found that Patient A had been sleeping and was not hearing voices. Dr. Ortega assessed
14 Patient A’s suicide risk and noted that no significant incident took place while Patient A was in the
15 ER. Dr. Ortega discharged Patient A from the ER that evening with ongoing prescriptions for
16 Zyprexa and Restoril and instructions to Patient A to follow up with Las Vegas Mental Health.
17 Significantly, no assessment of risk of harm and/or violence to others was performed by Dr. Ortega.

18 7. During the treatment of Patient A, Dr. Ortega failed to perform a complete and
19 adequate psychiatric assessment of the patient. This failure includes, among other things, failing to
20 fully assess the risk of harm and/or violence to others by Patient A prior to releasing him from a
21 Legal 2000 hold and discharging him.

22 8. On or about September 13, 2004, Patient A violently murdered his mother, sister and
23 infant niece.

24 **Count I**

25 9. Nevada Administrative Code Section 630.040 defines malpractice as the failure of
26 a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used
27 under similar circumstances.

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10. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds for initiating disciplinary action against a licensee.

11. Dr. Ortega failed to use the reasonable care, skill, or knowledge ordinarily used under the same or similar circumstances when he failed and omitted to perform a complete and adequate psychiatric assessment of Patient A. This failure includes, among other things, failing to fully assess the risk of harm and/or violence to others by Patient A prior to releasing him from a Legal 2000 hold and discharging him.

12. By reason of the foregoing, Dr. Ortega is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

WHEREFORE, the Investigative Committee prays:

1. That the Nevada State Board of Medical Examiners fix a time and place for a formal hearing;

2. That the Nevada State Board of Medical Examiners give Dr. Ortega notice of the charges herein against him, the time and place set for the hearing, and the possible sanctions against him;

3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose for the violation or violations committed by Dr. Ortega; and

4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr. Ortega its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and

5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 6th day of April, 2010.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

Bradley O. Van Ry

Deputy General Counsel and Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

Charles N. Held, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 6th day of April, 2010.



Charles N. Held, M.D.

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

1105 Terminal Way #301


Reno, Nevada 89502
(775) 688-2559

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 6th day of April 2010, I served a file copy of the COMPLAINT, PATIENT DESIGNATION & Fingerprint Processing Information by mailing via USPS certified return receipt mail to the following:

Luis Ortega, M.D.
1604 Bearden
Las Vegas, NV 89106

Dated this 6th day of April 2010.



Angelia L. Donohoe
Legal Assistant